

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**ARIAD PHARMACEUTICALS, INC.,
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY, THE WHITEHEAD
INSTITUTE FOR BIOMEDICAL
RESEARCH, and THE PRESIDENT
AND FELLOWS OF HARVARD COLLEGE**

Plaintiffs,

v.

ELI LILLY AND COMPANY,

Defendant.

Civil Action No. 02 CV 11280

**U.S. District Judge
Rya W. Zobel**

**ASSENTED-TO MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS C
AND D TO DEFENDANT ELI LILLY AND COMPANY'S OPPOSITION TO
PLAINTIFFS' MOTION TO COMPEL THE TESTIMONY OF
DR. RICHARD B. GAYNOR, AND MEMORANDUM IN SUPPORT
OF LILLY'S CROSS-MOTION FOR A PROTECTIVE ORDER**

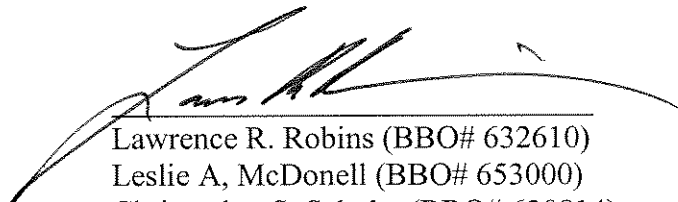
Defendant Eli Lilly and Company ("Lilly") hereby moves to file under seal, pursuant to the Stipulated Protective Order entered by the Court in this case, Exhibits C and D to Defendant Eli Lilly and Company's Opposition to Plaintiffs' Motion to Compel the Testimony of Dr. Richard B. Gaynor, and Memorandum in Support of Lilly's Cross-Motion for a Protective Order. This Motion is necessary to comply with the provisions of the Stipulated Protective Order.

CERTIFICATION PURSUAN TO LOCAL RULE 7.1

I hereby certify that counsel for the parties have conferred regarding the issues presented by this motion and that Plaintiffs' counsel consents to this motion.

Respectfully submitted,

Date: January 28, 2005



Lawrence R. Robins (BBO# 632610)
Leslie A. McDonell (BBO# 653000)
Christopher S. Schultz (BBO# 630814)
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER L.L.P.
55 Cambridge Parkway
Cambridge, MA 02142
Telephone: (617) 452-1600
Facsimile: (617) 452-1666

Of Counsel

Paul R. Cantrell

Gilbert T. Voy

Alexander Wilson

Eli Lilly and Company

Lilly Corporate Center

Indianapolis, IN 46285

Telephone: (317) 276-3885

Facsimile: (317) 276-1294

Paul H. Berghoff

Grantland G. Drutchas

David M. Frischkorn

McDonnell Boehnen Hulbert & Berghoff

300 South Wacker Drive, Suite 3200

Chicago, Illinois 60606

Telephone: (312) 913-0001

Facsimile: (312) 913-0002

**Attorneys for Defendant Eli Lilly and
Company**

CERTIFICATE OF SERVICE

I, Jenny Macioge, hereby certify that on January 28, 2005, a true and correct copy of the foregoing:

ASSENTED-TO MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS C AND D TO DEFENDANT ELI LILLY AND COMPANY'S OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL THE TESTIMONY OF DR. RICHARD B. GAYNOR, AND MEMORANDUM IN SUPPORT OF LILLY'S CROSS-MOTION FOR A PROTECTIVE ORDER

was served by the indicated means to the persons at the addresses listed:

Lee Carl Bromberg
Kerry L. Timbers
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110

- ☐ Via First Class Mail
- ☒ Via Hand Delivery
- ☐ Via Overnight Courier
- ☐ Via Facsimile (w/out exhibits)

Leora Ben-Ami
Patricia A. Carson
Vladimir Drozdoff
KAYE SCHOLER LLP
425 Park Avenue
New York, NY 10022

- ☐ Via First Class Mail
- ☐ Via Hand Delivery
- ☒ Via Overnight Courier
- ☒ Via Facsimile (w/out exhibits)



Jenny Macioge

FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, L.L.P.
55 Cambridge Parkway
Cambridge, MA 02142
Telephone: 617-452-1600
Facsimile: 617-452-1666